



General Assembly

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**Amendment**

LCO No. 7788

**\*SB0087607788HR0\***

Offered by:

REP. GREENE, 105<sup>th</sup> Dist.  
REP. SAYERS, 60<sup>th</sup> Dist.  
REP. PISCOPO, 76<sup>th</sup> Dist.  
REP. WILLIAMS, 68<sup>th</sup> Dist.  
REP. DELGOBBO, 70<sup>th</sup> Dist.  
REP. D'AMELIO, 71<sup>st</sup> Dist.  
REP. BEAMON, 72<sup>nd</sup> Dist.  
REP. JOHNSTON, 51<sup>st</sup> Dist.

REP. RUWET, 65<sup>th</sup> Dist.  
REP. LABRIOLA, 131<sup>st</sup> Dist.  
REP. HARKINS, 120<sup>th</sup> Dist.  
REP. HAMZY, 78<sup>th</sup> Dist.  
REP. NAFIS, 27<sup>th</sup> Dist.  
REP. KEELEY, 129<sup>th</sup> Dist.  
REP. WILBER, 63<sup>rd</sup> Dist.

To: Subst. Senate Bill No. 876

File No. 383

Cal. No. 612

(As Amended)

**"AN ACT CONCERNING MERCURY WARNINGS."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2005*) For the purposes of  
4 sections 501 to 505, inclusive, of this act, "designated smoking area"  
5 means a separate area of no more than fifty per cent of the square  
6 footage of a bowling establishment, brew pub operating with a  
7 manufacturer permit for a brew pub, special sporting facility, cafe or  
8 tavern premises having: (1) Either a physical barrier or an air barrier  
9 system that creates an air curtain to prevent drift or penetration of

10 tobacco smoke from a smoking area to a nonsmoking area; and (2) an  
11 air ventilation and purification system that has the capacity of an  
12 electrically powered hospital grade HEPA Media Filter that cleans all  
13 the air in a designated smoking area at the minimum of the American  
14 Lung Association's standards and the commercial air cleaner  
15 manufacturers' recommended range of six to ten air changes per hour  
16 and filters not less than ninety-five per cent of three-tenths micron  
17 particulates efficiency, including dust, pollen, mold spores, bacteria,  
18 tobacco smoke and allergens and not less than ninety-five per cent  
19 removal of gases, vapors, volative organic compounds and odor.

20 Sec. 502. (NEW) (*Effective October 1, 2005*) (a) Notwithstanding the  
21 provisions of section 19a-342 of the general statutes, a bowling  
22 establishment permittee, pursuant to section 30-37c of the general  
23 statutes, manufacturer permittee for a brew pub, pursuant to section  
24 30-16 of the general statutes, special sporting facility permit pursuant  
25 to section 30-33b of the general statutes, cafe permittee, pursuant to  
26 section 30-22a of the general statutes or tavern permittee, pursuant to  
27 section 30-26 of the general statutes may permit smoking in designated  
28 smoking areas if such permittee obtains a smoking permit from the  
29 Commissioner of Consumer Protection to allow smoking in such areas.

30 (b) The Commissioner of Consumer Protection may issue a smoking  
31 permit to a bowling establishment, brew pub, special sporting facility,  
32 cafe or tavern to allow smoking (1) in a designated smoking area; or (2)  
33 on the entire permit premises, if (A) the permit premises has less than  
34 two thousand square feet of space available for use by the public, (B)  
35 its food sales represent thirty per cent or less of its gross sales, and (C)  
36 it complies with the provisions of subdivision (2) of section 501 of this  
37 act.

38 (c) Upon application or renewal of its liquor permit, a bowling  
39 establishment, brew pub, special sporting facility, cafe or tavern that  
40 has a designated smoking area or that allows smoking pursuant to  
41 subsection (b) of this section shall provide the Department of  
42 Consumer Protection with proof that the air barrier system and air

43 ventilation and purification system for the designated smoking area  
44 are operating and being maintained.

45 (d) The annual fee for a smoking permit shall be two hundred fifty  
46 dollars.

47 Sec. 503. (NEW) (*Effective October 1, 2005*) (a) A bowling  
48 establishment permittee, manufacturer permittee for a brew pub,  
49 special sporting facility permittee, cafe permittee or tavern permittee  
50 with a smoking permit issued pursuant to subdivision (1) of subsection  
51 (b) of section 502 of this act shall provide access to restrooms through  
52 the nonsmoking area of the premises. Smoking shall be prohibited in  
53 the restrooms.

54 (b) A bowling establishment permittee, manufacturer permittee for  
55 a brew pub, special sporting facility permittee, cafe permittee or tavern  
56 permittee with a smoking permit shall conspicuously post, at all  
57 entrances, a two foot by three foot sign stating: "SMOKING IS  
58 PERMITTED IN DESIGNATED AREAS IN THIS ESTABLISHMENT".

59 Sec. 504. (NEW) (*Effective October 1, 2005*) (a) On and after October 1,  
60 2005, a bowling establishment permittee, manufacturer permittee for a  
61 brew pub, special sporting facility permittee, cafe permittee or tavern  
62 permittee with a designated smoking area shall allow its employees  
63 the option of working only in the nonsmoking portion of the  
64 establishment. Such a permittee who fails to allow such option shall be  
65 subject to a civil penalty of two thousand dollars for each offense. After  
66 a third offense, such permittee shall be subject to the revocation of its  
67 liquor permit by the Department of Consumer Protection pursuant to  
68 section 30-47 of the general statutes.

69 (b) On and after October 1, 2005, a bowling establishment permittee,  
70 manufacturer permittee for a brew pub, special sporting facility  
71 permittee, cafe permittee or tavern permittee with a smoking permit  
72 shall inform prospective employees that such permittee has a smoking  
73 permit and that the second-hand smoke within the permit premises  
74 may be harmful to such prospective employee's health. The permittee

75 shall require each new and existing employee to sign a statement that  
76 such employee has been so informed.

77 (c) A bowling establishment permittee, manufacturer permittee for a  
78 brew pub, special sporting facility permittee, cafe permittee or tavern  
79 permittee with a smoking permit for a separate smoking area shall  
80 post a sign in a conspicuous location within the permit premises  
81 notifying employees of their right to work in a nonsmoking  
82 environment in a permit premises with designated smoking areas.

83 Sec. 505. (NEW) (*Effective October 1, 2005*) The Department of  
84 Consumer Protection, as part of its routine inspections of permit  
85 premises, shall inspect the air barrier system and air ventilation and  
86 purification system required in a designated smoking room of a  
87 bowling establishment permittee, manufacturer permittee for a brew  
88 pub, special sporting facility permittee, cafe permittee or tavern  
89 permittee that holds a smoking permit pursuant to section 502 of this  
90 act. The department shall determine if such systems are operating and  
91 are being maintained within the manufacturer's required maintenance  
92 schedules. The department shall also inspect maintenance logs kept by  
93 such permittees. Failure to pass three such routine inspections of  
94 permit premises shall result in a two-thousand dollar civil penalty.

95 Sec. 506. Subsection (b) of section 30-6a of the general statutes is  
96 repealed and the following is substituted in lieu thereof (*Effective*  
97 *October 1, 2005*):

98 (b) More specifically, with respect to part V of this chapter, the  
99 Department of Consumer Protection may adopt in accordance with the  
100 provisions of chapter 54 regulations that are necessary to (1) carry out  
101 the purposes of section 30-64 and prevent the circumvention thereof by  
102 the offering or giving of any rebate, allowance, free goods, discount or  
103 any other thing or service of value; (2) permit the withdrawal of, an  
104 addition to, a deletion from or an amendment of any schedule, or a  
105 modification of prices therein, when not inconsistent with the  
106 purposes of said section 30-64, whenever necessary to avoid practical

107 difficulties or unnecessary hardships to any permittee affected by said  
108 section 30-64 or because of acts or circumstances beyond the control of  
109 such permittee and under such terms and conditions as are necessary  
110 to carry out the purposes of said section 30-64; (3) permit the sale by a  
111 retailer of a brand of alcoholic liquor or wine for which a schedule of  
112 suggested consumer resale prices has not been and cannot be filed,  
113 whenever necessary to avoid practical difficulties or unnecessary  
114 hardships to any permittee affected by said section 30-64 or because of  
115 acts or circumstances beyond the control of such permittee, and under  
116 such terms and conditions as are necessary to carry out the purposes of  
117 said section 30-64; (4) subject to the provisions of section 30-63e, permit  
118 the closeout of a brand for the purpose of discontinuing its sale, under  
119 such terms and conditions as are necessary to carry out the purposes of  
120 said section 30-64; (5) carry out the purposes of sections 30-68k to 30-  
121 68m, inclusive, and section 30-76a and prevent their circumvention; (6)  
122 on verified application, and for good cause shown, permit any  
123 adjustment or change of any item on the schedule required to be filed  
124 under section 30-63 and said section 30-64; [and] (7) permit the sale at a  
125 price which is less than cost by a supplier, wholesaler or retailer for  
126 any item of alcoholic liquor, except beer, that is damaged or  
127 deteriorated in quality, or, subject to the provisions of section 30-63f,  
128 permit the closeout of a brand or size for the purpose of discontinuing  
129 its sale, under such terms and conditions as are necessary to carry out  
130 the purposes of sections 30-68k to 30-68m, inclusive, and section 30-  
131 76a; and (8) carry out the provisions of sections 501 to 505, inclusive, of  
132 this act.

133 Sec. 507. Subdivision (4) of subsection (a) of section 31-40q of the  
134 general statutes is repealed and the following is substituted in lieu  
135 thereof (*Effective from passage*):

136 (4) "Business facility" means a structurally enclosed location or  
137 portion thereof at which employees perform services for their  
138 employer. The term "business facility" does not include: (A) Facilities  
139 listed in subparagraph (A), (C) or (G) of subdivision (2) of subsection  
140 (b) of section 19a-342; (B) any establishment with a permit for the sale

141 of alcoholic liquor pursuant to section 30-23 issued on or before May 1,  
142 2003; (C) for any business that is engaged in the testing or  
143 development of tobacco or tobacco products, the areas of such business  
144 designated for such testing or development; or (D) during the period  
145 from October 1, 2003, to [April 1] October 1, 2004, establishments with  
146 a permit issued for the sale of alcoholic liquor pursuant to section 30-  
147 22a or 30-26 or the bar area of a bowling establishment holding a  
148 permit pursuant to subsection (a) of section 30-37c.

149 Sec. 508. (NEW) (*Effective October 1, 2005*) Notwithstanding any  
150 provision of the general statutes, any holder of a cafe permit shall not  
151 allow smoking in such premises during any time when such facility or  
152 a portion thereof is used as a juice bar.

153 Sec. 509. (NEW) (*Effective October 1, 2005*) (a) Not later than January  
154 1, 2006, the Commissioner of Public Health shall develop and publish  
155 in convenient pamphlet form a consumer notice about the dangers of  
156 smoking and second-hand smoke which shall be posted on the  
157 Department of Public Health's Internet web site for downloading and  
158 printing by establishments required to display such pamphlets  
159 pursuant to subsection (b) of this section. Such notice shall contain (1)  
160 information about the harmful effects of smoking and second-hand  
161 smoke on pregnant women and children, and (2) a toll-free telephone  
162 number that consumers may access about smoking cessation  
163 programs.

164 (b) On and after January 15, 2006, each establishment that has a  
165 designated smoking area or that allows smoking pursuant to section  
166 502 of this act shall (1) make copies of the pamphlet developed  
167 pursuant to subsection (a) of this section available to patrons, and (2)  
168 post signage both inside and outside the smoking areas indicating the  
169 availability of such pamphlets."